

PLANNING COMMISSION MINUTES

July 7, 1999

CALL TO ORDER: Chairman Maks called the meeting to order at 7:00 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL: Present were Chairman Dan Maks; Planning Commissioners Charles Heckman, Sharon Dunham, Vlad Voytilla, and Tom Wolch. Eric Johansen and Don Kirby were excused.

Staff was represented by Senior Planner Barbara Fryer, Senior Planner Steven Sparks, Policy Manager Alwin Turiel, Assistant City Attorney Ted Naemura, and Recording Secretary Gerry Bowles.

NEW BUSINESS

PUBLIC HEARINGS

Chairman Maks opened the public hearing and read the format for the meeting. There were no disqualifications of Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items.

A. TA 990001 – OMNIBUS DEVELOPMENT CODE TEXT AMENDMENT

The proposed Development Code text amendment will replace awkward phrasing and correct grammatical and syntax errors found within the text of the existing Development Code. The proposed text amendments will also codify past Planning Director Interpretations and City Council actions.

Mr. Sparks presented the staff report. On Page 29 under C.4, he corrected the statement to read “City Engineer *or* other qualified personnel”.

Commissioner Dunham noted corrections on Page 4 of the staff report. The section numbers were corrected to revise Section 4 to 6, Section 12 to 15, Section 22 to 25, and Section 23 to 26. On Page 5 of 37, Section 6, No. 11 should be included to read Residential Care Facilities and No. 12 should be included to read Accessory Dwelling Units. On Page 9 of 37, Section 15, No. 21 should be corrected to read Section 20.

Questions and Comments from Commissioner Heckman

Page 4 – How is distance measured? Mr. Sparks said it would be measured by straight line.

Page 5 – Section 7.2 – He likes the simplified wording.

Page 6 – Section 20.10.80 – He finds the language to be very confusing, particularly to the general public not involved in planning. Mr. Sparks said this was language that came from the Commission not too long ago. The modifications provide a means of interpreting the language that was passed through originally but did not include the language with regard to intensifying a site. The last sentence could be restructured if desired. Commissioner Heckman expressed concern with clarity of the language for the average citizen. Mr. Sparks noted that this is text that the City would like to get on the books to meet compliance requirements without looking at the best way of reaching the lowest common denominator in terms of understandability. It could be written more simply but it would take a lot more words to do it.

Page 7 – f – Do we need to identify what the by products might be? Mr. Sparks said he felt that the word “offal” was a catchall but there was some confusion among staff as to the definition of the term. The terms “waste or by products” were taken from Webster’s Dictionary.

Page 20 – b – What is the criteria for requiring a public hearing? Mr. Sparks explained instances that might require a public hearing as opposed to those that can be reviewed and approved by the Planning Director.

Page 15 – 3b – What does “may be” mean? Mr. Sparks explained that there might be instances where a wider easement may be required based on an off-site situation that may increase the potential for back stream flooding, etc. If a water quality facility is placed adjacent to an easement, it may make more sense to place the entire area in an easement. This language will give flexibility to the Facilities Review Committee to require additional easement width if it can be demonstrated that it is necessary.

Page 28 – 4.1 – What are “conditioned trees”? Mr. Sparks explained that these are trees that the City originally required to be preserved as a condition of approval.

Commissioner Heckman expressed his appreciation to staff for a job well done.

Commissioner Wolch noted that throughout the document, there is a substitution of “land division” for “subdivision”. Mr. Sparks said this was a result of confusion in the office as to what exactly is a partition and what exactly is subdivision. The term land division is more inclusive. Commissioner Wolch asked if land partition and subdivision are defined in the statute. Ms. Turiel said ORS Chapter 92 defines partitions as less than 4 parcels and subdivisions as 4 or more parcels.

Questions and Comments from Commissioner Voytilla

He suggested his intention to provide comments to staff for the possibility of future review as the opportunity arises.

Page 1 –Section 1 – 1.A – What is considered a “reasonable” time? This should be made clearer as to the intent.

Page 3 – Section 3 – Should the target minimum of 80% be included? Mr. Sparks noted that it is stated in this section but is included in the portion represented by the five asterisks. Commissioner Voytilla asked to what level or whose level of satisfaction are we providing this information or what is the standard of threshold? Mr. Sparks explained that the threshold is in the site development requirements that, for example, future intensification will meet setbacks, building heights, etc. Commissioner Voytilla thought it might be beneficial to make the language clear or cite some suggestions. He then asked how detailed the City’s requirements are for a site plan? Mr. Sparks indicated that the site plan is described in the submittal of materials on a form provided by the Planning Director.

Page 7 – f – animal by products – should it be clarified to read waste of dead animals?

Page 6 – 5b –speaks of odors – vegetative waste can be just as offensive. Mr. Sparks felt modifying this language in such a way would go beyond the intent of this amendment and may require full notification. This would not be appropriate for this particular amendment but could be considered in the future.

Page 16 – 7 – Should it be clarified to read “*plat of the land division*”? Mr. Sparks agreed.

Page 18 – d – Should language be included relative to extension or through capacity to adjacent properties? Mr. Sparks thought there is such discussion for this type of issue for future intensification and connectivity needs in the Transportation System Plan Implementing Ordinances. He will verify this to be the case.

Page 26 – 4 – This appears to say that if someone’s time period has lapsed, they could file with the Planning Director for an extension and he asked if this is the case. Mr. Sparks said yes. Mr. Sparks said in G.3 it states that if the time has lapsed, the request would be processed according to the provisions in effect at the time of resubmission. However, the language does not require that it be a new application. This is existing language. These applications are typically Type II.

Chairman Maks complimented staff on a good job.

Mr. Naemura asked if the Commission’s concern for 1.A would be solved if the word “or” were inserted after “thereof”? Mr. Sparks said the question pertained to a definition of a “reasonable time”. Mr. Naemura said his suggested modification would exclude all those approvals where there have been set time limitations. Mr. Sparks did not think including the word “or” was necessary but it would make it clear that these are two separate items.

Mr. Naemura commented on the sections that have not been included in this document but are shown as asterisks. Mr. Sparks said it is important to note that any deletions have been shown by strikeout and not by omission in this document.

The public portion of the hearing was closed.

Commissioner Voytilla MOVED and Commissioner Heckman SECONDED a motion for approval of TA 990001 Legislative Development Code Text Amendment based on the facts and findings contained in the staff report dated July 7, 1999, as amended, as described on Page 5.

The question was called and the motion CARRIED unanimously.

STAFF COMMUNICATION

COMPREHENSIVE PLAN LAND USE ELEMENT WORK SESSION

Ms. Fryer noted the key issue for tonight's discussion is one map or two. The City has a Comprehensive Plan Map and text that are not consistent. Referring to the handout included in the staff report, she noted the discrepancies in the current map with regard to the commercial designations and the text. The map only calls out Town Center and all other commercial whereas the text includes the Central Business District, the Town Center Sub-Regional, Office, Neighborhood Service, etc. These do not match. Another area that does not match is the Downtown Development Plan. In the Downtown Development Plan there are many more detailed areas on the text map including the Town Esplanade, Cedar Hills Boulevard, Murray Boulevard, etc. This is much different than the current one map color. In the current map there is a public facilities designation that covers schools and parks. This has been perpetuated through some amendments. Some areas are green on the map; however, the large THPRD Nature Park is not green as well as many of the other newly acquired parks. This leads to the question of public/quasi-public designation. Chairman Maks asked if the City loses its density numbers with the public/quasi public designation with regard to Metro's requirements. Ms. Turiel said this depends on how the designation is written. She noted that over time, the City's Comprehensive Plan map has been amended various times and different approaches have been imbedded in the map for different things. When the plan was first completed, parks and schools were designated on the map but did not have a description in the text. When the Nature Park was annexed, the City was imbedding parks in the categories and thereby counting the densities. Chairman Maks wished to emphasize that he does not want to lose the density. If the City were to lose the density, it would have to be made up elsewhere in the City. Ms. Fryer noted the final inconsistency pertaining to Industrial Park. The text does not include Industrial Park as a designation, whereas, both the Campus Industrial and Light Industrial designations are referred to in the text.

Ms. Fryer noted that the Land Use Element requires revisions to eliminate the inconsistencies between the map and the text. The Land Use Element also requires revisions to demonstrate compliance with the Urban Growth Concept Map.

Ms. Fryer reviewed the options to include: Revise the text to match the existing map; revise the map to match the existing text; or revise the map and text to be consistent. She discussed each option as outlined in the staff report.

Ms. Fryer then reviewed the One-Map and Two-Map System Alternatives. Within the two-map system, there are three options to consider to include generalizing the land use element to more closely reflect the Functional Plan with broad goals, policies, and objectives and adopt a modified Growth Concept Map. Performance- based criteria could be used to site current City zones within the context of this map. A second option would be to adopt a more traditional general map, which includes generic categories such as commercial, multiple use, residential, public facilities, industrial, and significant natural resources. Performance criteria could also be used to site zoning districts within each generic land use type. A third option would be to continue with the current mapping system of a Comprehensive Plan Map and a Zoning Map with modifications to eliminate the inconsistencies and to implement the Growth Concept design types.

With regard to the one-map system, Ms. Fryer described the local jurisdictions within the Portland Metropolitan region that use this system. None of the polled jurisdictions using the one-map system expressed any negative comments in regard to the system. She reviewed input received from particular professional staff to include Joanne Rice, Washington County Planning; Janet Young, City of Gresham; Jim Crumley, City of Happy Valley, and Kathy Daw, City of Tualatin. With regard to a comment expressed by Joanne Rice that the process is much simpler and easier for the public and staff to understand, Chairman Maks did not agree. He noted that he has heard many complaints from Washington County residents, particularly in the Bethany area, regarding the one-map system. The Chairman of the Washington County Planning Commission stated he had heard many complaints from citizens about the lack of specificity and not knowing what they were moving next to or what could happen in their community. Beaverton is different in that the City does not have a Hearings Officer but he does not agree that the one-map system is easier for citizens in that it may lead them down the wrong path and make it more difficult for them to understand. The design standards and the infrastructure standards do nothing to protect the citizens with the Washington County one-map system. Ms. Fryer added that Ms. Rice had indicated that there were few plan amendment changes from the original adoption. Perhaps if the City were to go to a one-map system, we need to include more detail in how we design location criteria or design criteria so that it is clearer to the average resident. Chairman Maks asked which works better with conditioned plan amendments or rezones – a one or two-map system. Ms. Turiel said staff would always try to discourage the Commission from conditional zoning because it tends to create later problems as developments grow and change and mature. Conditional zoning is easier than a conditional Comprehensive Plan Amendment so a two-map system is probably easier in these cases.

Ms. Fryer showed several slides of sample development in Bethany Village, Orenco Station, and other areas. Chairman Maks commented that the development at Bethany Village blends together very well and it still provides a suburban feel.

Mr. Naemura asked if the residential density designations on the Alternative 2 would have to further reflect the Development Code districts with different colors or patterns to know the difference between for example, the R-5 and the R-7. Ms. Fryer said they envisioned in the one-map system that residential would be one district, R-7 and R-5 would be Urban Standard Density but there might be some locational criteria that would say that in certain areas, R-5 might be more appropriate than R-7. The same in the Urban Medium Density which has three categories, R-4, R3.5, and R.2. The location might dictate the appropriateness of a particular density. This could be spelled out in the Development Code as opposed to having a color on the map.

Chairman Maks said the goal of the Code Review Committee is to make the Development Code carry all the weight. There will be no policy statements. If the policy statement needs to be a criteria, then it should be made a criteria. With regard to the active plan, planning-wise the active plan is a good idea. He is not sure how, citizen-wise the active plan would be carried on. Much of the development shown in the slides was vacant land and was not redevelopment. The majority of what the Planning Commission will see in the next 2 to 9 years is redevelopment. Therefore, he has a real problem with the one-map system and the design criteria and the location criteria. Considering the location criteria, a development may be acceptable now but if the street standard is changed, it changes the rules for all the residents on that street. People want to know what they are moving next to and what is allowed. At the current time, one could go to the map and see that an area is commercial and then go to the zoning map to see what type of commercial and follow through with what is allowed in that zone, rather than permitted uses being based on the adjacent street standard at that particular time. He would need more proof that a one-map system is better for the constituents than a two-map system before he would support such a proposal.

Ms. Fryer asked if the Commission is interested in going to a simpler map that would include generic designations in the Comprehensive Plan with perhaps some locational criteria having to do with where the zoning districts could then be applied. For instance, there might be one industrial designation on the Comprehensive Plan Map but there might be some locational criteria that says that perhaps Campus Industrial could be located next to urban medium or urban high residential developments. This gives some criteria as to where this Campus Industrial development could be located but it would not necessarily indicate the specific location. Ms. Turiel added that it would provide Comprehensive Plan direction for subsetting it into zones so that the zoning categories would nest underneath the more generalized Comprehensive Plan designations. Ms. Fryer added that this would provide more criteria for a zone change. Right now the Development Code requires that the zone change must be consistent with the Comprehensive Plan. If there were locational

criteria spelled out in the Comprehensive Plan, some zone changes that may not be appropriate may be more difficult. Chairman Maks said he wants it easy for an average citizen to be able to look at a map and know what the zoning is for the property.

Commissioner Heckman agreed but said he has yet to be persuaded that the one-map system is best for everybody. He agrees that it might be best for the planners but it may not be best or most understandable for the people who live in the area.

Commissioner Dunham said her first reaction was how wonderful one map would work but she now understands the problems associated with this system. If an individual comes in and looks at the map and sees R-5, how would the map accommodate the fact that a PUD has been approved for that site. Ms. Turiel said this is a zoning map issue. Chairman Maks agreed and asked staff to note this problem and consider how this will be addressed. Commissioner Dunham said at this point, she does not have any strong feelings either way for a single or a two-map system. With more definition, a two-map system may be advisable.

Commissioner Voytilla said he is surprised that staff had only received input from four of the 25 or 26 local governmental jurisdictions in the Tri-County area. He is concerned that a large majority of the people who have to use the maps were not included in the survey. Besides the general public is the private sector planners. Professional planners have a lot of input as to what works and what does not. He would like to see input from these people as well as from private sector developers. Having dealt with Senate Bill 100 for many years, Commissioner Voytilla relishes the fact that Oregon has one of the most fantastic information processes for planning. We have incredibly good maps and there is detailed information on what is going on with properties. With little research on the part of the citizen, it is very possible for them to fully understand what is going on in their neighborhood. A citizen needs to know what a PUD can do on a property. He feels that there is some design criteria that would be very difficult to incorporate onto these maps to let the people know what is possible on adjacent properties. A lot of this will result from redevelopment and there will be a lot of change to what people have become used to. There is a point where too much information is placed on a map and it becomes impossible to understand. With too much detail, you lose the information that you are trying to relay. For simplicity, a multiple map system might be better. He is very concerned about the density loss. He asked how public use lands will be shown if they will have an overlay of some other use. Ms. Fryer said if we use the two-map system, it will be very easy to retain the development rights on that particular property through the zoning map and illustrate on the Comprehensive Plan map that it is a public use. That would be an important distinction that staff would want to maintain to allow continued development on that particular property. In response to a question from Commissioner Voytilla regarding a regular review of properties, Ms. Turiel said part of the Urban Growth Management Functional Plan is the development of a monitoring system. The guidelines and measures are currently in draft form. The local jurisdictions are responsible for tracking development and reporting to

Metro on an annual basis both on density achieved and on parking. This is called for in the compliance report for all the jurisdictions.

Commissioner Wolch said he is undecided on the map system. He would like to hear from people who work with both because there is a tendency to like whatever you work with. He likes the concept of a single map with zoning nested in but one map can become unreadable because of the volume of information it must contain. With regard to PUD's, the public would be noticed of the public hearing. He is not sure anymore can be done to alert the public on a map. Chairman Maks said there can be a case of an approved PUD but during the two-year approval period, new residents might move in who are not aware of previous approvals because the map will not change as a result of PUD approval on a piece of property.

With regard to public/quasi-public, Ms. Turiel indicated that properties under public ownership have been excluded from the density figures. Chairman Maks did not feel these lands should be excluded because they are available for development. In the case of the property on which Southridge High School is being constructed, the School District had intended to sell the land for development and if it had sold, it would have been developed as R-5.

Ms. Fryer explained that the types of uses under the public/quasi-public categories are those which are found in the County institutional zone. They include schools, parks, public buildings, golf courses, churches, hospitals, park and ride facilities, transit centers, cemeteries, libraries, and utility substations. The Commission questioned the inclusion of golf courses since all the other uses are established as non-profit facilities. Ms. Fryer said excluding them would pose a problem in the case of annexation because in the County they are designated as institutional zoning. They could be deleted but this would then have to be addressed in the UPAA update.

Chairman Maks said he agrees with the design and locational criteria but asked if the City could be challenged on the infrastructure criteria. Ms. Turiel said with infrastructure, concurrency would be a risky way to go. However, in terms of having adequate public facilities, this can be done. Chairman Maks noted that the infrastructure criteria will have to be based on critical services. Ms. Fryer explained that the zone change would be quasi-judicial. Design criteria would be related to zone changes.

Commissioner Voytilla said, with regard to design criteria, he likes to see people be creative. You have to listen to what the public is asking for. Some standards are too restrictive. He would like to remain flexible in order that the public can be creative with their development and provide some variety.

Commissioner Wolch said the performance criteria looks good to him. He would be concerned about design criteria because this is something that will be dictated by the market.

Commissioner Heckman said he would not want to see a lot of specificity in the Comprehensive Plan with regard to design criteria. He would rather opt for overall general compatibility.

Commissioner Dunham agreed with comments of other Commissioners.

Commissioner Voytilla brought up the matter of a City limit map or an active map. Ms. Turiel said there is a Special Planning Commission who is planning for this area. It would make sense to have, from a planning point of view, a City plan that recognizes the realities of our political situation. It would also make sense, since the City of Beaverton is working with Washington County to annex areas, to have a plan that sets a framework to provide some certainty to those communities which are largely developed as to what will happen when they come into the City. This is one way to provide some certainty for areas that are already predominately developed. However, if we get too involved in active planning, there will be a staff resource issue. The problem is not only the number of staff required but also the physical constraints of lack of space in which to place these people.

Chairman Maks agreed. The Special Planning Commission, from his point of view, is helping citizens rather than having two jurisdictions side by side doing two different things. He supports the active map as long as it does not go too far.

Commissioner Voytilla agreed. He thought that possibly Tualatin has specific designations for such areas with the target densities already determined so the people had a very good idea of what was going to happen. Ms. Turiel said she was not certain whether they had specific densities or whether it was set by the framework.

Commissioner Wolch said it sounds like a good idea but suggested that the City tread carefully. Commissioners Heckman and Dunham said they will keep this open.

MISCELLANEOUS

Chairman Maks noted that this is the last meeting that will be recorded by Gerry Bowles. She has accepted a position at the City in Records Management. He expressed appreciation for all her work throughout her many years of service.

ADJOURNMENT: 9:20 p.m.